

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

BOARD OF COUNTY	)	
COMMISSIONERS OF THE COUNTY	)	
OF KAY, OKLAHOMA	)	
	)	
Plaintiff,	)	
	)	
vs.	)	CASE NO. 5:12-cv-00601-C
	)	
FREEPORT-MCMORAN COPPER &	)	
GOLD, INC.; FREEPORT-MCMORAN	)	
CORPORATION f/k/a PHELPS	)	
DODGE CORPORATION;	)	
CYPRUS AMAX MINERALS	)	
COMPANY; and BLACKWELL	)	
ZINC COMPANY, INC.	)	
	)	
Defendants.		

**DEFENDANTS' FINAL LIST OF TRIAL WITNESSES**

Pursuant to the Court's Scheduling Order dated August 9, 2012 (Document No. 34), the following will serve as the list of trial witnesses for Defendants.

Respectfully submitted,

/s/ Morgan L. Copeland, Jr.  
Reid E. Robison (OBA No. 7692)  
Timothy J. Bomhoff (OBA No. 13172)  
MCAFEE & TAFT A PROFESSIONAL  
CORPORATION  
Two Leadership Square  
211 North Robinson Avenue, Suite 1000  
Oklahoma City, Oklahoma 73102-7103  
Ph: 405.235.9621  
Fax: 405.235.0439  
Email: [tim.bomhoff@mcafeetaft.com](mailto:tim.bomhoff@mcafeetaft.com)  
[reid.robison@mcafeetaft.com](mailto:reid.robison@mcafeetaft.com)



-and-

Morgan L. Copeland, Jr.  
Tracey R. Keegan  
VINSON & ELKINS L.L.P.  
First City Tower, Suite 2500  
1001 Fannin Street  
Houston, Texas 77002-6760  
Ph: 713.758.2222  
Fax: 713.758.2346  
Email: [mcopeland@velaw.com](mailto:mcopeland@velaw.com)  
[tkeegan@velaw.com](mailto:tkeegan@velaw.com)

Sandra G. Rodriguez  
VINSON & ELKINS L.L.P.  
2801 Via Fortuna, Suite 100  
Austin, Texas 78746  
Ph: 512.542.8400  
Fax: 512.542.8612  
Email: [srodriguez@velaw.com](mailto:srodriguez@velaw.com)

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that on July 29, 2013, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing and transmittal of a Notice of Electronic Filing to the following ECF registrants:

Patrick M. Ryan  
Donald K. Shandy  
Phillip G. Whaley  
Stephen C. Gelnar  
Patrick R. Pearce, Jr.  
RYAN WHALEY COLDIRON SHANDY PLLC  
900 Robinson Renaissance  
119 North Robinson  
Oklahoma City, Oklahoma 73102  
[dshandy@ryanwhaley.com](mailto:dshandy@ryanwhaley.com)

James L. Menzer  
Menzer Law Offices, P.C.  
211 West Blackwell Avenue  
P.O. Box 818  
Blackwell, Oklahoma 74631-0818  
[James.Menzer@menzerlaw.com](mailto:James.Menzer@menzerlaw.com)

*Attorneys for Plaintiff*

s/ Sandra Rodriguez  
Sandra Rodriguez

# I. FACT WITNESSES

Please see Defendants' previous responses to discovery and any supplements thereto for a complete designation and anticipated testimony of each witness.

NO.	NAME	ADDRESS	EXPECTED TESTIMONY	CALL
1.	Kent Alme	333 North Central Ave. Phoenix, Arizona 85004	Previously deposed (testimony regarding BZC's accounting practices and financial status).	Expected
2.	Steve Austin	1814 W. Dewey Blackwell, OK 74631	Previously deposed.	Expected
3.	Stuart Brown	333 North Central Ave. Phoenix, Arizona 85004	Previously deposed and BZC's reconnaissance, sampling, and risk assessment work on Kay County rights-of-way pursuant to October 2012 ODEQ Consent Agreement; Blackwell Zinc Company's correspondence with Kay County, ODEQ, and U.S. EPA relating to Kay County assessment; Defendants' remedial efforts in Blackwell, Oklahoma; BZC's incurrence of related environmental response costs; Defendants' remedial efforts at other discontinued smelter sites including but not limited to Collinsville, Bartlesville, and Altoona; nerve center issues related to Blackwell Zinc Company.	Expected
4.	Nancy Coleman	c/o Plaintiff	To be deposed.	May

5.	Dorvin Constant	1814 W. Dewey Blackwell, OK 74631	Previously deposited.	May
6.	Angela Evans	Blackwell Zinc Company 380 Stevens Ave. Blackwell, OK 74653	Previously deposited.	May
7.	Michael Hughes	Mike Hughes Consulting Services, PLLC PO Box 13398 Oklahoma City, Oklahoma 73113	To be deposited (identification of documents and photos related to County roads and bridges and his studies and publications from the late 1960s and early 1970s relating to the use of smelter material for road construction).	May
8.	John Fenn	8451 N. Burke Drive Tucson, Arizona 85742	Previously deposited.	May
9.	Pete Lively	1814 W. Dewey Blackwell, OK 74631	Previously deposited.	May
10.	Sharon Rowan	The Ponca City News 300 North Third Ponca City, OK 74601	If needed to authenticate a news article she wrote in 2007.	Expected
11.	Tyson Rowe	1814 W. Dewey Blackwell, OK 74631	Previously deposited.	May
12.	Chris Saranko	EPS 1050 Crown Pointe Parkway, Suite 550 Atlanta, Georgia 30338	Previously deposited (the data and other facts associated with the development and completion of the Human Health Risk Assessment conducted under the Consent Agreement and Final Order and incurrence of response costs for this work).	May

13.	Dee Schieber	1814 W. Dewey Blackwell, OK 74631	Previously deposited.	Expected
14.	Larry Shields	1814 W. Dewey Blackwell, OK 74631	Previously deposited.	May
15.	John Shonfelt	ARCADIS U.S., Inc. Rosehill Office Park 1 8725 Rosehill, Suite 350 Lenexa, Kansas 66215	Previously deposited (the data and other facts associated with the development and completion of the Arcadis' reconnaissance, the distribution of smelter materials in Kay County, and development and completion of the Arcadis sampling work and other field investigations, the development and completion of the draft site characterization report prepared pursuant to the Consent Agreement and Final Order as well as BZC's incurrence of response costs for this work).	May
16.	Damon Wright	c/o Plaintiff	To be deposited.	May
17.	Custodian of Records for Defendants	333 N. Central Ave. Phoenix, AZ 85004	To identify and prove up business records.	May
18.	Custodian of Records for EPA	1200 Pennsylvania Ave., N.W. Washington, DC 20460 Or Oklahoma Field Office 1645 South 101 East Avenue, Room 134 Tulsa, OK 74128	To identify and prove up business records.	May

19.	Custodian of Records for ODEQ	707 N Robinson Oklahoma City, OK	To identify and prove up business records.	May
20.	Custodian of Records for Arcadis	2929 Briarpark Drive Houston, TX 77042	To identify and prove up business records.	May
21.	Custodian of Records for P.T.I Environmental Services	4000 Kruse Way Place Building #2, Suite 285 Lake Oswego, OR 97035	To identify and prove up business records.	May
22.	Custodian of Records for Shaw Environmental	3010 Briarpark Drive, Ste. 400 Houston, TX 77042	To identify and prove up business records.	May
23.	Custodian of Records for the Circuit Engineering District	429 N.E. 50 <sup>th</sup> Street Oklahoma City, OK 73105	To identify and prove up business records.	May
24.	Custodian of Records for Oklahoma DOT	200 N.E. 21 <sup>st</sup> Street Oklahoma City, OK 73105	To identify and prove up business records.	May
25.	Custodian of Records for Kay County	c/o Plaintiff	To identify and prove up business records.	May
26.	Custodian of Records for ACCO	429 N.E. 50 <sup>th</sup> Street, 3 <sup>rd</sup> Floor Oklahoma City, OK 73105	To identify and prove up business records.	May
27.	Custodian of Records for Titan Environmental / EMC <sup>2</sup>	7220 North 16 <sup>th</sup> Street, Suite E Phoenix, AZ 85020	To identify and prove up business records.	May

## II. EXPERT WITNESSES

The following witnesses may appear either live or by deposition. Please see Defendants' List of Expert Witnesses in Chief and any supplements thereto for a complete designation and description of the anticipated testimony of each of these witnesses.

NO.	NAME	ADDRESS	EXPECTED TESTIMONY	CALL
1	Dr. Barbara D. Beck	Gradient 20 University Road Cambridge, MA 02138	Dr. Beck will provide opinions regarding the potential for human health risks arising from the exposure to smelter materials present in the Kay County road system. Dr. Beck will also provide opinions regarding the historical development of knowledge regarding the toxicology of arsenic, lead, cadmium and zinc. Dr. Beck will also provide responses to specific statements in reports by Plaintiffs' experts Dr. Christopher Teaf and Mr. Steven Amter. For a more complete description please see Expert Report of Barbara Beck served on Plaintiff on June 17, 2013 and incorporated herein by reference.	Expected
2	William L. Hall, PE	NewFields 1349 Peachtree Street 2 Midtown Plaza, Suite 2000	Mr. Hall will provide opinions regarding the site investigation of Kay County roads conducted by the Parties including	Expected



		Atlanta, GA 30307	whether environmental remediation is required. He will also address the use of smelter materials in road construction in Kay County including the current distribution of smelter materials in the Kay County road system. Mr. Hall will also provide opinions regarding the County's current management practices for smelter material in roadways and will offer responses to the cost estimates presented by Plaintiff's expert, Karl E. Stickley. For a more complete description please see Expert Report of William Hall served on Plaintiff on June 17, 2013 and incorporated herein by reference.	
3	Dr. Thomas C. Ginn	Exponent 1040 E. Park Ridge Drive Sedona, AZ 86336	Dr. Ginn will provide opinions regarding the potential for ecosystem risks arising from the smelter materials present in the Kay County road system. For a more complete description please see Expert Report of Thomas Ginn served on Plaintiff on June 17, 2013 and incorporated herein by reference.	May
4	Dr. Mark A. Williamson	Geochemical Solutions 1943 Lakewood	Dr. Williamson will provide opinions regarding the chemical stability, fate,	Expected

		Drive Loveland, CO 80538	and transport of metals found in smelter materials in the Kay County road system. For a more complete description please see Expert Report of Mark Williamson served on Plaintiff on June 17, 2013 and incorporated herein by reference.	
5	Dr. Alan D. Zunkel	A.D. Zunkel Consultants, Inc. 8020 N.E. 71st Loop Vancouver, WA 98662	Dr. Zunkel will provide opinions regarding the operation of the Blackwell Zinc smelter, including the technology, equipment and operating practices employed and the practice of providing byproduct materials to the community. Dr. Zunkel will also provide responses to specific statements in reports by Plaintiffs' experts Dr. George Flowers and Mr. Steven Amter. For a more complete description please see Expert Report of Alan Doug Zunkel served on Plaintiff on June 17, 2013 and incorporated herein by reference.	Expected
6	Richard Bartelt	2618 Hartzell Street Evanston, IL 60201	Mr. Bartelt will provide opinions regarding the regulatory treatment of smelter materials at other sites, consistency of Defendants' actions under the Consent Agreement and Final Order with the National Contingency Plan, and the County's	Expected

			<p>Opportunities to participate remediation activities related to the Blackwell Zinc Smelter. For a more complete description please see Expert Report of Richard Bartelt served on Plaintiff on June 17, 2013 and incorporated herein by reference.</p>	
7	Financial Expert		<p>Expert to be named expressing opinions regarding the corporate structure, governance, and financial operations of Blackwell Zinc Company, interactions with the entities that own BZC, and whether other entities are the alter ego of BZC as well as issues involving piercing the BZC corporate veil.</p>	Expected